

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

BUNTHOEUN KONG,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No. 20-cv-10119-MPK

JOINT STATUS REPORT

The parties jointly request that this Court enter an order allowing the case to remain stayed for an additional thirty (30) until November 29, 2023 as settlement negotiations continue between the parties.

On May 16, 2023, this Court issued an order allowing the parties' Joint Motion for Stay of the Case. (ECF No. 37). On August 4, 2023, in response to a joint request from the parties, the Court ordered the stay of the case remain until September 29, 2023, and ordered the parties to file a joint status report if settlement negotiations remained ongoing, or a proposed scheduling order, if negotiations were not ongoing. (ECF No. 41). On September 29, 2023, again in response to a joint request from the parties, the Court ordered the stay of the case remain until October 30, 2023, at which time the parties were required to file another joint status report with the Court. (ECF No. 43).

Counsel for the parties have conferred on multiple occasions to determine whether resolution of this case is possible without the need for further litigation. The parties continue to work jointly in a good faith effort to seek a possible resolution of this matter and therefore request the stay of this case be extended to allow them an additional 30 days to continue their discussions.

Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R. Civ. P. 1.

The parties further request that this Court permit them, on or before November 29, 2023, to file a further status report with this Court setting forth the status of the parties’ negotiations, or file a proposed scheduling order. Wherefore, for these reasons, the parties respectfully request this Court maintain the stay of this case for a period of 30 additional days, to November 29, 2023.

Respectfully submitted,

PLAINTIFF BUNTHOEUN KONG
By his attorney,

/s/ Ethan R. Horowitz¹
Ethan R. Horowitz
BBO# 674669
Northeast Justice Center
50 Island Street, Suite 203B
Lawrence, MA 01840
(978) 888-0624
ehorowitz@njc-ma.org

DEFENDANT UNITED STATES OF AMERICA
JOSHUA S. LEVY
Acting United States Attorney

/s/ Mark Sauter
Mark Sauter
Eve A. Piemonte
Assistant United States Attorneys
United States Attorney’s Office
John J. Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100
Mark.Sauter@usdoj.gov
Eve.Piemonte@usdoj.gov

¹ Electronically signed and filed with consent provided by e-mail on October 30, 2023.

CERTIFICATE OF SERVICE

I, Mark Sauter, Assistant United States Attorney, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Mark Sauter _____

Mark Sauter

Assistant United States Attorney

Dated: October 30, 2023